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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,037	03/11/2004	Vincent P. Walker	00216-667001 / Case 8137	6724
26161	7590	05/16/2007		
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER LANDRUM, EDWARD F	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/799,037

Applicant(s)

WALKER, VINCENT P.

Examiner

Edward F. Landrum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 18-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 20-24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Apprille et al (U.S Patent No. 5,813,293), hereinafter Apprille.

Apprille teaches (see Figures 4, and 16-18) a shaving cartridge comprising a housing (16) with more with multiple shaving blades (18) located between front and rear portions of the housing. A connecting member (24) is pivotally connected to the housing via connecting arm (28) terminal portions located at the end of each arm. The connecting member has a U-shaped load-bearing surface (forward portion of member 72 in Figure 16) that contacts the housing only when the housing is pivoted beyond a normal pivot angle, which in this case is zero degrees, as the shaver normally rests in an unbiased position. The normal pivot angle is defined by opposed stop surfaces, which consist of surface (162) of the housing and the rear portion of the arm (72). There is an opening (130) in the connecting member designed to receive a handle interconnect assembly for connecting the cartridge to a handle (12). A guard element (20) is formed on the housing (16) preceding the blades.

3. Claim 1, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Coffin (U.S Patent No. 6,442,850).

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Coffin teaches (see Figures 6 and 7) a detachable shaving cartridge comprising a housing (1) with two shaving blades located between front and rear edges of the housing (1). A connecting member (25) is pivotally connected to the handle and has a load bearing surface (top of member 25) which is arranged to contact the housing (1) only when the housing is pivoted beyond a limit angle that is greater than a normal pivot angle. The normal pivot angle is defined by the angle represented by the degrees in which the sub-seat (14) and the housing (1) rotate together, and the limit angle is defined by the degrees after the housing (1) rotates relative to the sub-seat (14) after the sub-seat (14) has completed rotating with the housing (1) and maintained angle (B) between the two (Col. 5, lines 45-67, Col. 6, lines 5-8).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coffin.

Coffin teaches all of the elements of the current invention as stated above except the normal pivot angle being between 35 and 45 degrees, more specifically about 41 degrees. Coffin further fails to teach the limit angle being greater than 41 degrees, more specifically between about 41.5 and 45 degrees.

It would have been an obvious matter of design choice to a person of ordinary skill in the art to create a normal pivot angle between 35 and 45 degrees but more specifically about 41 degrees, and a limit angle greater than 41 degrees, but more specifically between about 41.5 and 45 degrees because discovering the optimal pivot angles would have been a mere design consideration based on the desired amount of pivot available to provide a comfortable shave and the spring coefficient of the springs used. Such a modification would have involved only routine skill in the art to accommodate the aforementioned requirements. It has been held that when the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges or values involves only routine skill in the art.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apprille.

Apprille teaches all of the elements of the current invention as stated above except teach the limit angle being greater than 41 degrees, more specifically between about 41.5 and 45 degrees.

It would have been an obvious matter of design choice to a person of ordinary skill in the art to create a limit angle greater than 41 degrees, but more specifically between about 41.5 and 45 degrees because discovering the optimal pivot angles would have been a mere design consideration based on the desired amount of pivot available to provide a comfortable shave as well an optimal trimming angle for the trimming blade with respect to a users face. Such a modification would have involved only routine skill in the art to accommodate the aforementioned requirements. It has

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been held that when the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges or values involves only routine skill in the

7. Claims 12-14, 22, 23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apprille in view of Rozenkrank (U.S. Patent No. 6,276,061).

Apprille teaches all of the elements of the current invention as stated above except a trimming assembly comprising a trimming blade connected to the cartridge housing.

Rozenkrank teaches (see Figures 3 and 3a) attaching a trimming assembly with a trimming blade to a cartridge housing.

It would have been obvious to have modified Apprille to incorporate the teachings of Rozenkrank to provide a trimming assembly to the housing of the cartridge. The trimming assembly would be limited in rotation by the opposing stop surfaces of Apprille as the forward portion of the connecting member would come in contact with the surface of the housing at the limit angle and stop the rotation of the housing relative to the connecting member. Providing the trimming assembly would make it easier for a user to trim delicate places such as sideburns.

8. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Apprille, as stated in section 9.

Apprille teaches all of the elements of the current invention as stated above except teach the limit angle being greater than 41 degrees, more specifically between about 41.5 and 45 degrees.

It would have been an obvious matter of design choice to a person of ordinary skill in the art to create a limit angle greater than 41 degrees, but more specifically between about 41.5 and 45 degrees because discovering the optimal pivot angles would have been a mere design consideration based on the desired amount of pivot available to provide a comfortable shave as well an optimal trimming angle for the trimming blade with respect to a users face. Such a modification would have involved only routine skill in the art to accommodate the aforementioned requirements. It has been held that when the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges or values involves only routine skill in the art.

#### ***Allowable Subject Matter***

9. Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18 and 19 are allowable because there is no teaching to create the normal pivot angle of Apprille anything but zero degrees.

#### ***Response to Arguments***

Applicant's arguments filed 4/6/2007 have been fully considered but they are not persuasive.

Applicant has not claimed any limits for the normal pivot angle or the limit angle in claims 1, 14, and 24, and therefore the examiner can state that the normal pivot angle of Apprille is zero degrees defined by one side of the connecting member and the

housing, and the limit angle be anything greater than the normal pivot angle, but below the angle necessary to contact the second side of the connecting member with the housing. Since applicant has not sufficiently defined the normal and limit angles nor the structure that incorporates these angles Coffin can be interpreted in a similar manner.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Apprille et al '851 (U.S Patent No. 5,956,442) teaches a connecting member with a hole in it for the purpose of connecting a handle. Pina (U.S Patent No. 6,223,442), Andrews (U.S Patent No. 6,161,288), and Coffin (U.S Patent No. 6,560,881) teach a shaving apparatuses with surfaces capable of preventing over-rotation of a shaving head.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



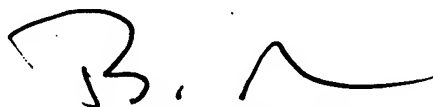
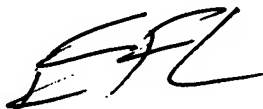
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL  
5/3/2007



BOYER D. ASHLEY  
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